

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ERIC THOMAS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

No. 2:24-cv-08392 (WJM)

**MEMORANDUM AND
ORDER**

WILLIAM J. MARTINI, U.S.D.J.:

Pro se Petitioner, Eric Thomas, an inmate confined at United States Penitentiary, Lee (USP Lee) in Lee County, Virginia, seeks to file a motion to vacate pursuant 28 U.S.C. § 2255. Local Civil Rule 81.2 provides:

Unless prepared by counsel, . . . motions under 28 U.S.C. §2255 shall be in writing (legibly handwritten in ink or typewritten), signed by the petitioner or movant, on forms supplied by the Clerk.

L. Civ. R. 81.2(a). Petitioner did not use the habeas form supplied by the Clerk for section 2255 motions, *i.e.*, AO243 (modified): DNJ-Habeas-004 (Rev. 01-2014).

Therefore, IT IS this 13th day of August, 2024,

ORDERED that the Clerk of the Court shall administratively terminate this case; Petitioner is informed that administrative termination is not a “dismissal” for purposes of the statute of limitations, and that if the case is reopened, it is not subject to the statute of limitations time bar if it was originally filed timely, *see Papotto v. Hartford Life & Acc. Ins. Co.*, 731 F.3d 265, 275 (3d Cir. 2013) (distinguishing administrative terminations from dismissals); *Jenkins v. Superintendent of Laurel Highlands*, 705 F.3d 80, 84 n.2 (3d Cir. 2013) (describing prisoner mailbox rule generally); *Dasilva v. Sheriff's Dep't.*, 413 F. App'x 498, 502 (3d Cir. 2011) (per curiam) (“[The] statute of limitations is met when a [motion] is submitted to the clerk before the statute runs”); and it is further

ORDERED that if Petitioner wishes to reopen this case, he shall so notify the Court, in a writing addressed to the Clerk, within sixty (60) days of the date of entry of

this Memorandum and Order; Petitioner's writing shall include a complete, signed habeas petition on the appropriate form supplied by the Clerk; and it is further

ORDERED that upon receipt of a writing from Petitioner stating that he wishes to reopen this case, and a complete, signed petition, the Clerk of the Court will be directed to reopen this case; and it is finally

ORDERED that the Clerk of the Court shall serve a copy of this Memorandum and Order and a blank section 2255 form—AO243 (modified): DNJ-Habeas-004 (Rev. 01-2014) upon Petitioner by regular U.S. mail.

A handwritten signature in black ink, appearing to read "William J. Martini", is written over a horizontal line.

WILLIAM J. MARTINI, U.S.D.J.